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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
MICHAEL RICHARD LYNCH and  
STEPHEN KEITH CHAMBERLAIN,  
  
Defendants.

Case No.: 3:18-cr-00577-CRB  
Judge: Hon. Charles Breyer

**MOTION TO MODIFY CONDITIONS OF  
PRETRIAL RELEASE**

Date: Nov. 29, 2023, 1:30 pm  
Court: Courtroom 6 – 17<sup>th</sup> Floor  
Date Filed: Nov. 15, 2023  
Trial Date: March 18, 2024

1 For the past six months, Defendant Lynch has fully complied with all release conditions  
2 imposed by this Court. These include: (1) posting a bond in the amount of \$100 million, secured by  
3 \$50 million in cash and unencumbered shares of publicly traded stock; (2) home confinement within  
4 the City and County of San Francisco, subject to exceptions to meet with counsel and attend medical  
5 appointments and religious services; (3) being guarded on a 24-hour basis by a private security  
6 company at his own expense, including video surveillance throughout his residence and two armed  
7 guards on duty; (4) electronic monitoring by ankle bracelet; (5) surrender of all travel documents;  
8 and (6) ongoing supervision by Pretrial Services. (Dkt. No. 146, at 9.)

9 Dr. Lynch has established a successful track record of compliance.<sup>1</sup> *See* Exh. A, Decl. of  
10 Global Operations Manager David Tindle, ¶ 5 (“Since Keelson began supervising Dr. Lynch in May  
11 2023, there has not been a single violation of his conditions nor any cause for concern. Dr. Lynch  
12 has been a model supervisee.”)

13 Dr. Lynch’s track record also includes the four separate occasions—55 days in total—when  
14 the Court modified his release conditions to allow him to leave his residence from 9:00 am to 9:00  
15 pm: July 10-17, Aug. 9-26, Sept. 24 – Oct. 9, and Oct. 24 – Nov. 5. During these periods, Dr. Lynch  
16 never once returned home late nor caused any problems for the security team or Pretrial Services.  
17 *Id.*, ¶ 6. Whenever Dr. Lynch left his residence, the security team continued to monitor him,  
18 including having two armed security officers travel with him at all times. *Id.*, ¶ 7. The security firm  
19 describes Dr. Lynch as a “model supervisee.” *Id.*, ¶ 5.

20 Now, as Dr. Lynch prepares for his upcoming trial, he asks the Court to make the 9:00 am  
21 to 9:00 pm curfew condition a permanent part of his release conditions, maintaining all other  
22 conditions in place. This change is supported by Dr. Lynch’s track record over the past six months  
23 and specifically during the four prior periods of temporary modification. *See United States v.*  
24 *Hutchins*, 298 F.Supp.3d 1205, 1206 (E.D. Wisc. Nov. 6, 2017) (modification of release conditions  
25

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26  
27 <sup>1</sup> Dr. Lynch’s track record of compliance is also consistent with his established track record in the UK, where he was  
28 under supervision for nearly four years awaiting extradition. During that time period, he was subject only to an in-  
person check in with the police once a week.

1 from home confinement to curfew is appropriate where defendant had demonstrated compliance  
2 with prior conditions). The fact that Dr. Lynch has fully complied over the course of the 55 days  
3 that he has already been subject to the temporary curfew requests rebuts any argument that making  
4 the curfew condition permanent would substantially increase his risk of flight.

5 To reiterate, should the Court agree to this modification, Dr. Lynch will still be subject to  
6 24-hour surveillance by two armed security guards, ongoing GPS monitoring with an ankle bracelet,  
7 a \$100 million bond, surrender of all travel documents, confinement to the City and County of San  
8 Francisco from 9:00 am to 9:00 pm (and home confinement outside of those hours), and ongoing  
9 monitoring by Pretrial Services.

10 In addition to being justified by his track record of past compliance, imposing a 9:00 am to  
11 9:00 pm curfew will allow Dr. Lynch to better prepare for his trial, including regularly meeting his  
12 lawyers in San Francisco without needing to separately clear each meeting in advance with Pretrial  
13 Services. This will be especially important beginning in early December, when Dr. Lynch's New  
14 York and Washington, DC-based legal team will be spending substantial time in San Francisco  
15 preparing for trial, and for the Rule 15 depositions that have been scheduled in January. (Dr. Lynch  
16 anticipates spending full days with his counsel in their offices during these depositions.)

17 A permanent curfew condition will also enable Dr. Lynch to better maintain his mental and  
18 physical health, including taking walks around the neighborhood and spending time with his family.  
19 Dr. Lynch's wife, Angela, is planning to come to the United States for the upcoming winter holidays  
20 and for much of early 2024 as he prepares for trial. A curfew will allow Dr. Lynch to leave the  
21 house with her without having to obtain separate permission for each trip she makes to visit, as has  
22 occurred previously.

23 Pretrial Services has been informed of this request and has responded that they have no  
24 objections to the proposed 9:00 am to 9:00 pm curfew, "as Mr. Lynch has been compliant with his  
25 conditions of release." Defense counsel also conferred with the government, who replied: "Given  
26 the Court's recent rulings, the government takes no position on the defendant's request to again  
27 modify his release conditions."  
28

1 For these reasons, Dr. Lynch respectfully requests that the Court modify his release  
2 conditions to impose a curfew at home from 9:00 am to 9:00 pm, while maintaining all other  
3 conditions in place.

4 Dated: November 15, 2023

Respectfully submitted,

5 /s/ Christopher J. Morvillo

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